

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Eral FOXENLAND)	Mail Stop AF
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Application No.: 10/573,978)	Group Art Unit: 2181
)	
Filed: November 17, 2006)	Examiner: W. Treat
)	
For: DEVICE AND METHOD FOR)	
RENDERING DATA)	

U.S. Patent and Trademark Office
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant respectfully requests review of the final Office Action, dated November 13, 2008, in view of the remarks below and in conjunction with the Notice of Appeal filed concurrently with this request. Claims 1-22 are pending in this application.

Claims 1, 2, 4-11, and 13-22 stand rejected under 35 U.S.C. § 102(b) as clearly anticipated by MASUYAMA et al. (U.S. Patent Application Publication No. 2004/0029640; hereinafter MASUYAMA); claim 12 stands rejected under 35 U.S.C. § 103(a) as unpatentable over MASUYAMA; and claim 3 stands rejected under 35 U.S.C. § 103(a) as unpatentable over MASUYAMA. in view of MANKOVITZ (International Publication No. WO 98/48566).

Applicant respectfully requests review of the final rejection based on the reasons summarized below.

The rejection of claims 1-22 contains factual deficiencies with respect to the alleged

teachings of MASUYAMA and MANKOVITZ.

Independent claim 1 recites a method for executing a first and a second sequence of digital data in an electronic device configured to render the digital data on a display, the electronic device having an input interface comprising at least one input means. The method includes initiating and executing a main sequence of digital data, sensing activation of at least one input means during execution of the main sequence, interrupting execution of said main sequence in response to said sensing, and initiating and executing at least one sub sequence of digital data when execution of the main sequence is interrupted, said sub sequence being associated with said main sequence. MASUYAMA fails to disclose or suggest this combination of features.

For example, MASUYAMA do not disclose or suggest interrupting execution of a main sequence of digital data in response to sensing activation of at least one input means during execution of the main sequence, and initiating and executing at least one sub sequence of digital data when execution of the main sequence is interrupted. Rather, MASUYAMA discloses an electronic game that displays (e.g., on a screen) a collision between items of the game (e.g., a non-player character (NPC)), where the collision causes the character to return to a previous position and causes a collision sound to be generated (¶ 0156). Playing a sound while displaying something on a screen is significantly different than interrupting execution of a main sequence of digital data in response to sensing activation of at least one input means during execution of the main sequence, and initiating and executing at least one sub sequence of digital data when execution of the main sequence is interrupted, as recited in claim 1.

Furthermore, any interrupt generated by the electronic game of MASUYAMA is a real-time processing term for concurrently executing processes (e.g., execution of the collision sound

and execution of the displaying of the collision on the screen). In contrast, claim 1 recites that at least one sub sequence of digital data is executed when execution of the main sequence is interrupted. Thus, the at least one sub sequence of digital data is not concurrently executed with the main sequence. Instead, execution of the main sequence ceases prior to execution of the at least one sub sequence of digital data.

The Examiner cited paragraphs 0098-0101, 0156, and 0217-0245 and Figs. 3, 37, and 60-67 of MASUYAMA in support of the allegation that MASUYAMA clearly anticipates claim 1. Applicant respectfully disagrees with the Examiner's interpretation of MASUYAMA.

Paragraphs 0098-0101 of MASUYAMA discuss Fig. 3 and disclose a portable game apparatus that includes a sensor for detecting tilt, movement, and impact of the portable game apparatus. Nowhere in this section, or elsewhere, does MASUYAMA disclose or suggest interrupting execution of a main sequence of digital data in response to sensing activation of at least one input means during execution of the main sequence, and initiating and executing at least one sub sequence of digital data when execution of the main sequence is interrupted, as recited in claim 1.

Paragraph 0156 of MASUYAMA discusses Fig. 37 and discloses that the portable game apparatus displays (e.g., on a screen) a collision between items of the game (e.g., a NPC), where the collision causes the NPC to return to a previous position and causes a collision sound to be generated. Nowhere in this section, or elsewhere, does MASUYAMA disclose or suggest interrupting execution of a main sequence of digital data in response to sensing activation of at least one input means during execution of the main sequence, and initiating and executing at least one sub sequence of digital data when execution of the main sequence is interrupted, as recited in claim 1.

Paragraphs 0217-0245 of MASUYAMA discuss Figs. 60-66 and disclose a plurality of portable game apparatuses that may perform the collision process described above for paragraph 0156 and Fig. 37. Nowhere in this section, or elsewhere, does MASUYAMA disclose or suggest interrupting execution of a main sequence of digital data in response to sensing activation of at least one input means during execution of the main sequence, and initiating and executing at least one sub sequence of digital data when execution of the main sequence is interrupted, as recited in claim 1.

For at least these reasons, Applicant submits that claim 1 is not anticipated by MASUYAMA. Claims 2 and 4-9 depend from claim 1. Therefore, claims 2 and 4-9 are not anticipated by MASUYAMA for at least the reasons given above with respect to claim 1.

Claim 3 also depends from claim 1. While not acquiescing in the rejection of claim 3, Applicant submits that the disclosure of MANKOVITZ does not remedy the deficiencies in the disclosure of MASUYAMA set forth above with respect to claim 1.

Independent claim 10 recites features similar to, yet possibly of different scope from, features described above with respect to claim 1. Therefore, claim 10 is not anticipated by MASUYAMA for at least reasons similar to the reasons given above with respect to claim 1. Claims 11, 13-17, and 19-22 depend from claim 10. Therefore, claims 11, 13-17, and 19-22 are not anticipated by MASUYAMA for at least the reasons given above with respect to claim 10.

Claim 12 also depends from claim 10. While not acquiescing in the rejection of claim 12, Applicant submits that the Official Notice alleged by the Examiner with respect to claim 12 does not remedy the deficiencies in the disclosure of MASUYAMA set forth above with respect to claim 10.

Independent claim 18 recites features similar to, yet possibly of different scope from,

features described above with respect to claim 1. Therefore, claim 18 is not anticipated by MASUYAMA for at least reasons similar to the reasons given above with respect to claim 1.

In view of the foregoing remarks, Applicant submits that clear factual deficiencies exist with respect to the rejections of claims 1-22. Therefore, Applicant respectfully requests withdrawal of the outstanding rejections and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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